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->From the Editor’s Keyboard  "Saying it like it is!"
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What’s happened to society?  Shootings in shopping malls, in movie theaters, at colleges, and now - at an elementary school!  This most recent massacre today, of innocent children, has reached international proportions.

While we don’t have all of the details yet, clearly this is yet another "disturbed" individual who planned a massacre and acted upon it.  Yes, already the gun control advocates are already out in the streets calling for better gun control.  And others will be claiming that our schools are not safe.  And so forth.  This is not a political issue, but a social one.

Unfortunately, government and other law enforcement agencies cannot possibly prevent every possible threat to society’s population.  It’s not possible to ferret out every potential crackpot in the world!  Even becoming an international police state, can we prevent every possible violent crime?  No.

So again, let’s take the time to reflect what these people in Connecticut have just experienced.  Their lives have been irrevocably shattered, forever.  Our thoughts should be with them at this time - especially during these holiday seasons.

Until next time...

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->In This Week’s Gaming Section  - Xbox 720, PS 4 Might Not Launch Until 2014!
""""""""""""""""""""""""""""""  Valve Confirms New Game Console on Its Way!
Living Room PCs To Compete With Next-Gen Cons
oles!

And more!

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## Xbox 720 and PlayStation 4 Might Not Launch Until 2014

Nintendo says its kickstarted the next generation of video game consoles with the Wii U. But considering its graphics and processing power are comparable to Microsoft s Xbox 360 and Sony s PlayStation 3, hardcore gamers are holding out for the next Xbox, tentatively dubbed Xbox 720, and next-generation PlayStation, tentatively called PS4. Rumors insist Microsoft and Sony will both launch their next consoles in the fall of 2013, but SemiAccurate, the website that first reported the next Xbox could see a delay, says there is a bit of confusion over how the consoles are progressing and when they ll arrive.

According to SemiAccurate, the next Xbox is currently code-named Kryptos and not Durango anymore, and the next PlayStation is now code-named Thebes rather than Orbis. The PS4 will reportedly have a 28-nanometer AMD chipset and will be produced by IBM or Global Foundries.

SemiAccurate says the PS4 could be released in spring of 2014 or fall 2014 and the Xbox 720 could still see the delay from fall 2013 to 2014.

Xbox World claimed last month that the next Xbox will have a Blu-ray disc drive, Kinect 2.0, directional audio, TV output and input, an innovative controller and support for augmented reality glasses all packaged in a magnesium alloy shell that will supposedly use the same patented VaporMg process found on the Surface tablet.

Not only that, but Microsoft is also working on an Xbox Lite, according to reports from earlier this year.

As for PS4 details, VG247 reported in November that Sony has already sent out various developer kits with specs including 16GB of RAM and 256GB of storage.

Sony and Microsoft are expected to reveal their next consoles at E3 2013 this coming June.

## Sony s PlayStation 4 Could Lose to The Next Xbox Before It s Even Released

I love all game consoles equally. My Xbox 360 is used equally as much as my PlayStation 3. The Wii oh, I ll just leave it at that. The current generation of consoles is all but over - 10-year life cycle be damned - and new consoles are rumored to be coming next fall. If not next fall, then in 2014. Whatever is the case, Sony can t afford to lag in third place again. Sure, the Xbox 360 and PS3 are neck-in-neck in global lifetime sales, and the Xbox 360 did have a one year head start, but coming off the disappointing PS Vita, confidence is less high that Sony will deliver a console next year in time to compete with Microsoft, according to Kotaku.

I want a new console just as much as any other gamer. There s a reason people are still pouncing on those Wii U consoles and flipping them on

eBay. Six years is unusually long for a console to still be kicking around.

According to the well-informed Stephen Totilo, Editor-in-Chief of Kotaku, the game blog that first broke news on the next-gen Xbox, Microsoft s Durango is on the mark and Sony appears to inspire less confidence due to the on-and-off troubles of the PlayStation 3 and the struggles of the Vita vs. how much lost confidence is due to any problems looming for PS4.

Totilo says confidence is high that the next Xbox will be out in time for next Christmas and confidence is low that the PS4 will be right there on store shelves next to it.

The on-and-off troubles of the PlayStation 3? Totilo is referring to is the anchor that s weighed the console down since launch: tougher development due to the Cell processor and less available RAM 256MB vs. 512MB in the Xbox 360.

In the months before the PS3's launch in 2006, Sony said the console would be the most powerful console ever created, and here we are six years later and multi-platform games on the console consistently end up being buggier and uglier than on the Xbox 360 in many cases.´ Cases in point: Skyrim, Mass Effect 3 and Call of Duty: Black Ops II.

Sony s in a rut right now. It has the chops to build beautiful and powerful hardware that s a developer s dream (ex: PS Vita), but at the same time, it s always launching after the competition nowadays.

If Sony s learned any lessons in the last half a decade, it better apply them to the PS4. The console needs to offer next-level processing and graphics. It needs to be backward-compatible with PS3 games and play Blu-ray discs. It should be small and quiet. It should have a strong online platform, support a greater array of apps and most importantly be easy for developers to program for.

Game exclusives will always be important, but now that games are million-dollar productions, multi-platform will be where developers hope to reap back their costs.

With Microsoft said to be preparing an Xbox 720 and an Xbox Lite, Sony can t make the mistake of launching late or pricing the console too high. A launch in spring of 2014 would mean Sony will miss Black Friday and Cyber Monday, the two biggest shopping days of the year´ that bring in massive sales. Ceding sales and market share to Microsoft and Nintendo by launching late would be disastrous.

The PS3 screwed up too many times. At this point, the PS4 needs to be perfect out of the door.

## Valve Confirms New Game Console on Its Way

In an interview with Kotaku's Jason Schreier at the Spike TV Video Game Awards, Valve co-founder Gabe Newell confirmed that a "living-room-friendly PC package," designed to "compete with next-gen consoles from companies like Microsoft and Sony," will be available for purchase starting next year.

Most of the machines Newell described, which he expected "companies" would "start selling" next year, would be powered by Microsoft Windows like normal PCs. However, they would be more like home theater PCs than regular computers; they would be designed to fit in the living room and plug into an HDTV, and they would use a much-simplified interface which eschews pointing and clicking in favor of using a game controller.

That interface is Steam's Big Picture mode, launched last week as a free upgrade to the Steam digital store. Gamers can click a button on the Steam window to be taken to a screen much like an Xbox 360's dashboard or PlayStation 3's XMB, where they can use a game controller to buy things from the store and play their installed games.

Games which can be played using only a controller get special branding and status in Big Picture mode. Steam held an enormous sale to promote such games when Big Picture mode launched, including titles like Sonic Generations which are also available on game consoles.

Besides Big Picture mode, Valve's other big project as of late has been porting Steam to Linux, starting with the popular Ubuntu version. The Linux version of Steam, currently in beta, also supports Big Picture mode. Newell said in the interview that a working Linux version would "give Valve more flexibility when developing their own hardware," and dozens of games are already available for Linux gamers on Steam.

Newell's talk of "companies" making computers like this suggests a Valve-created standard, like the Intel ultrabook or like Google's requirements for Android devices, which PC manufacturers would have to adhere to. He also talked about Valve making its own hardware, which might be similar to Google's Nexus lineup of tablets and smartphones.

Besides that, these game console style PCs won't be as "malleable" as a normal computer, according to Newell. Like with today's laptops, it may be difficult or impossible to get at the internals and upgrade parts, the way dedicated PC gamers like to do with their machines.

Newell's statement that they will compete with "next-gen" consoles from Sony and Microsoft, which probably means the long-awaited new PlayStation and Xbox consoles expected next year, implies that they will be cost-competitive in some way. Gaming PCs typically have prices starting at $600 - $800 at the very lowest, while the PlayStation 3's $599 USD launch price made it a pariah of the game console world for years. A Steam-powered game console may have to invent its own price bracket.

However, the original Xbox was basically an Intel Celeron PC with a custom-made case. So it's possible that Steam has a similar plan in mind.

## Living Room PCs Will Compete With Next-Gen Consoles

Steam's Big Picture mode was just the first step: according to Valve boss Gabe Newell, you'll be able to buy a living-room-friendly PC package next year.

Speaking to me during a brief interview on the red carpet at the VGAs last night, Newell said Valve's current goal was to figure out how to make PCs work better in the living room. He said the reaction to Steam's

TV-friendly Big Picture interface has been "stronger than expected," and that their next step is to get Steam Linux out of beta and to get Big Picture on that operating system, which would give Valve more flexibility when developing their own hardware.

He also expects companies to start selling PC packages for living rooms next year setups that could consist of computers designed to be hooked up to your TV and run Steam right out of the gate. And yes, Newell said, they'd compete with next-gen consoles from companies like Microsoft and Sony.

"I think in general that most customers and most developers are gonna find that [the PC is] a better environment for them," Newell told me. "Cause they won't have to split the world into thinking about 'why are my friends in the living room, why are my video sources in the living room different from everyone else?' So in a sense we hopefully are gonna unify those environments."

Newell said he's expecting a lot of different companies to release these types of packages "We'll do it but we also think other people will as well," he told me and that Valve's hardware might not be as open-source or as malleable as your average computer.

"Well certainly our hardware will be a very controlled environment," he said. "If you want more flexibility, you can always buy a more general purpose PC. For people who want a more turnkey solution, that's what some people are really gonna want for their living room.

"The nice thing about a PC is a lot of different people can try out different solutions, and customers can find the ones that work best for them."

I also asked Newell what sort of software they're working on these days. He wouldn't give specifics, but he did reiterate that they're working on their next-generation engine which he said will work with next-generation consoles as well.

"Hopefully that's gonna give us some interesting opportunities on the game side," he said.

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

## Opposing Camps Dig in on Internet Treaty Talks

Most countries at a conference on telecommunications oversight agreed Wednesday that a United Nations agency should play an "active" but not dominant role in Internet governance as they struggled to reach a worldwide compromise.

As a marathon session at the UN’s World Conference on International Telecommunications concluded at about 1:30 a.m. local time in Dubai (2130 GMT), the chairman asked for a "feel of the room" and then noted that the nonbinding resolution had majority support, while denying it was a vote.

The United States has fought during the 12-day conference ending Friday to keep the International Telecommunication Union’s mandate from extending to the Internet. Western diplomats and technologists say that a greater ITU role could lead to increased censorship and a dramatic reduction in anonymity.

But ITU Secretary-General Hamadoun TourØ pleaded that the document was part of a balance that gave Western countries most of what they wanted in the more critical binding ITU treaty.

"If we were to eliminate this, that was a compromise that will come (back) on the table," TourØ warned the gathering ahead of the show of support. ITU officials are striving to forge consensus and avoid formal votes, and delegates were unsure after the proceeding whether the resolution had been adopted.

Several in attendance said they expected the conference to take up both the resolution and the treaty itself again on Thursday after factions failed to agree on treaty revisions. Most of the language about Internet control was excised from the proposed revisions in the compromise promoted by TourØ.

The biggest remaining sticking point is whether countries should have the right to control "addressing," which some said would include Internet addressing, which is currently managed by the U.S.-based nonprofit organization ICANN, the Internet Corporation for Assigned Names and Numbers.

The Americans and Europeans said on Wednesday that was unacceptable, while the opposing camp said that clause was the only remaining element of what they had pushed for.

U.S. Ambassador Terry Kramer tweeted that work would continue around the clock, but added: "The U.S. remains committed to keeping the Internet out of the ITRs (treaty)."

That drew expressions of exasperation from some other countries. "The compromise seems to be falling apart right in front of our eyes," a Russian delegate told the conference.

Russia, along with China, Saudi Arabia, United Arab Emirates and some other countries, on Tuesday resubmitted a joint proposal calling for a massive extension of state supervision of the Net, but that has been set aside as delegates debate the compromise texts.

The resolution that won majority support in the waning hours of the day says that the ITU’s leadership should "continue to take the necessary steps for ITU to play an active and constructive role in the multi-stakeholder model of the Internet."

It then cited a description of that model that was produced at another summit in 2005, which held that "policy authority for Internet-related public policy issues is the sovereign right of States," though the private sector, civil groups and international groups also have important roles.

It was unclear how severe the breakdown in the compromise had become. A member of the U.S. delegation declined to speak after the informal vote, saying the talks were "much too sensitive at the moment."

Some nonprofit civil and industry groups, which have played a large role in steering the development of the Internet, said they shared the U.S. government's concern about any extension of the U.N. role and about a conference procedure that remained opaque even to some participants.

"Rushing an important and acknowledgedly contentious proposal through a confusing vote-that's-not-a-vote is not a legitimate process," said Emma Llanso of the Center for Democracy & Technology, a Washington group funded by charitable foundations and technology companies including Microsoft Corp, Facebook Inc and Google Inc.

## Why the U.S. Doesn't Like the New UN Internet Treaty

The United States and a group of other countries, including Canada and the United Kingdom, have opted not to sign the Internet treaty ratified by the UN's International Telecommunication Union because of possible censorship concerns. The reforms represent an update to the 25-year-old International Telecommunication Regulations that needed refreshing for the Internet age. Although other countries effectively signed the regulations into effect, only those nations that actually signed the treaty have to play by its rules. So it's not like the U.S. has to play along with anything since the 1988 guidelines, but the pact does reveal how our government feels about Internet policy now. What about this update turned off the U.S. so much?

Censorship. The new treaty says that regulations apply to "operating agencies" versus "recognized operation agencies." That one word "recognized" gives power to a much larger number of groups, specifically "any individual, company, corporation or governmental agency which operates a telecommunication installation." That "recognized" part limits these powers from governments, leaving the decisions in the hands of organizations like AT&T and Telcom. The U.S. doesn't like that because it thinks the terminology could lead to more government censorship.

Internet Over-Regulation. The U.S. also didn't want the treaty to involve the word "Internet" at all, out of concerns that it would lead to too much regulation. In what Mashable's Alex Fitzpatrick calls a "surprise move" the chair on Wednesday night made it okay to discuss adding Internet-related provisions to the updates. The White House said it would reject anything that mentioned Internet regulation. "[The deal] should be about updating a public telecommunications treaty to reflect today's market-based realities not a new venue to create regulations on the Internet, private networks, or the data flowing across them," administration officials wrote in a blog post.

Free speech. The document mentions regulating spam, something we all hate. And the U.S. saw that as a possible free-speech violation.

## Twitter, Privacy Advocates Eye Occupy Case After Guilty Plea

An Occupy Wall Street protester who tried unsuccessfully to keep prosecutors from subpoenaing his tweets pleaded guilty Wednesday to disorderly conduct, in a case that could have broad implications for Twitter users as prosecutors increasingly use social media to build their cases.

The guilty plea in New York City Criminal Court from Malcolm Harris, one of hundreds arrested during an October 2011 mass march across the Brooklyn Bridge, does not mark the end of his legal battle, his lawyer, Martin Stolar said.

With his criminal case resolved, Harris is now free to appeal the judge’s ruling that he does not have the legal right to challenge a subpoena served on Twitter for his tweets.

That issue - essentially, whether users of the social media site Twitter own their tweets and thus have standing to challenge prosecutors who seek to use their posts against them - has rarely, if ever, been taken up by U.S. courts.

The case, and the murky legal ground it covers, has prompted concerns among privacy advocates. They worry it could set a precedent that social media users do not own their content, putting the burden on Twitter and other companies to step in on their users’ behalf when they face criminal prosecution.

"Setting a legal precedent on how this material can be used is much more important" than the minor offense he faced, Harris said outside the courtroom after entering the plea.

Manhattan Criminal Court Judge Matthew Sciarrino ruled earlier this year that Harris cannot challenge the subpoena because his posts belong to Twitter, not to him.

That stance runs contrary to Twitter’s own interpretation. The company maintains in its terms of service that users have a proprietary interest in their tweets.

Twitter filed its own motion to quash the subpoena, but Sciarrino rejected that effort as well.

Twitter has appealed that ruling, calling it a case "of first impression," and groups like the American Civil Liberties Union have filed amicus briefs in support. An appellate court has not yet rendered a decision.

"This case demonstrates why the law needs to keep up with technology," said Aden Fine, an ACLU lawyer.

"The most troubling aspect of this case is the court’s ruling that an individual Twitter user doesn’t even have the right to go to court to try to protect their constitutional rights. It’s not realistic to expect Twitter to go into court every single time one of its millions of users is affected by a subpoena."

The Brooklyn Bridge protest occurred at the height of the Occupy movement, which drew thousands of activists across the country angry at what they called a rigged economic system.

Like many of the protesters, Harris had argued that police appeared to

lead protesters onto the bridge before suddenly arresting them.

But prosecutors said in court Wednesday that his tweets, which were no longer available online, undermined that defense. Harris boasted that the protesters pushed past police even when they tried to stop the march, according to prosecutors.

Twitter handed over the tweets in September after Sciarrino threatened it with civil contempt and hefty fines.

## Facebook Makes Major Privacy Changes

Facebook users know the unfortunate drill.

In an effort to block a friend or a list of friends from seeing your tagged images or even just limit someone from seeing a Timeline post, you go looking for the correct privacy settings. Ten minutes later - no exaggeration for many - you're lucky if you've pinpointed the correct settings area never mind having made the change.

Facebook's privacy setting menus have been like a maze - you've never know where to go and it's easy to get lost.

But Facebook is finally attempting to change that. The social network is announcing today a series of changes to its privacy controls. They will start rolling out to all Facebook users before the end of the month.

There it is!

One of the biggest changes is to the discoverability of the privacy control menu. No longer do you have to go to a small, buried menu setting to find the privacy setting menu.

Now there will be a privacy shortcuts menu with a small lock icon added right to the upper right hand corner of every Facebook page. Click on that and you will see a larger box with simple to understand privacy options, including "Who can see my stuff?" and "Who can contact me?"

"This new menu has the key settings that are the most relevant and important to people. The idea is that privacy follows you around on Facebook," Nicky Jackson Colaco, Facebook manager of privacy & safety, told ABC News. "We want it to feel like something that is with you all the time," Colaco added. Right from the shortcuts menu you can also now easily search the Facebook Privacy help center.

Colaco said Facebook is trying to get rid of the fine print throughout the site. Navigation has been improved on the left side to make it easier to find settings. While there are some good changes, some important settings are still buried, including the tool that lets you view your account as another person. (That's still easiest to get to by going to your Timeline, clicking the arrow next to the Activity Log button and selecting "View As...")

But when you do find that tool you might start seeing some educational messages underneath it. There and some other places on Facebook will have some messages about your hiding or untagging actions.

"We think that a key piece is the difference between what I choose to put on my Timeline and what might be shared on other parts of Facebook," Colaco said. Hiding a photo on your Timeline doesn’t mean you have hid that photo from everyone on Facebook.

With that in mind, small pop ups will show up now when you hide something from your Newsfeed. The message will alert users that the photo or message is still viewable on other parts of Facebook.

"Your timeline is different than other places on Facebook. We really want users to know that," Colaco said.

Of course, the biggest concern around those issues is photo untagging. But Facebook is now making that easier too with an improved setting in Activity Log.

You can now see all the photos you are tagged in and easily untag yourself in multiple photos with a new Request and Remove tool. You can also filter photos in a number of different ways  photos you have hidden from your Timeline but are still tagged, photos that are public, etc.

If you have untagged yourself, but want the photo removed from Facebook, there’s a new set of tools to contact the owner of the photo with preset messages of why you want it removed. Those options include "It makes me sad," etc.

Facebook plans to release the new settings to users before the end of the year on the Facebook website  they won’t be coming to mobile applications just yet.

It’s certainly a big improvement over where Facebook had been, but there’s still a ways to go, especially in terms of the fine print and buried settings. When asked about that, Colaco said: "Privacy is something we never stop thinking about. We will keep iterating and improve where we can."

But at least the maze is about to be drastically improved.

## 10 Arrested in International Cybercrime Ring

Ten people have been arrested as part of an investigation into international cybercrime rings that steal millions of computer users’ credit card, bank account and other personal information, the FBI said.

Individuals from Bosnia and Herzegovina, Croatia, Macedonia, New Zealand, Peru, Britain and the U.S. were arrested in an operation carried out with the assistance of the Facebook social network and numerous international law enforcement agencies, the FBI said.

The FBI said the operation identified international cybercrime rings that are linked to multiple variants of the Yahos malware, which is linked to more than 11 million compromised computer systems and over $850 million in losses through the so-called Butterfly botnet.

Botnets, short for robot network, are made up of compromised computer systems and can be used by cybercriminals to execute denial of service attacks, send spam emails and conduct underground organized criminal

activity, to include malware distribution, the FBI said.

Facebook’s security team assisted law enforcement by helping to identify the root cause, the perpetrators and those affected by the malware. Yahos targeted Facebook users from 2010 to October 2012, and security systems were able to detect affected accounts and provide tools to remove these threats, the FBI said in a news release Tuesday.

The FBI recommended that computer users update their applications and operating system on a regular basis to reduce the risk of compromise and perform regular anti-virus scanning of their computer system. The agency said it also is helpful to disconnect personal computers from the Internet when the machines are not in use.

Computer users who believe they have been victimized can file a complaint with the FBI’s Internet Crime Complaint Center at www.ic3.gov.

## McAfee Released in Guatemala, Flies Off to Miami

Anti-virus software founder John McAfee was released from a detention center Wednesday and was escorted by immigration officials and police trucks to the Guatemala City airport, where he was put on a commercial flight bound for Miami.

McAfee sat in a coach-class seat on the flight, which took off at midafternoon.

The escort to the airport, accompanied by a throng of journalists and two police trucks with sirens blaring, marked the last chapter for McAfee’s strange, monthlong odyssey to avoid police questioning about the killing of an American expatriate in neighboring Belize.

"McAfee entered the country illegally," immigration service spokesman Fernando Lucero said. "Guatemala is expelling him. Since his country of origin is the United States, Guatemala is expelling him to the United States."

In one of the most highly publicized flights from police questioning since O.J. Simpson led police on televised low-speed car chase, McAfee constantly blogged and spoke with reporters about his life on the lam.

Bystanders in Guatemala City stopped to stare at the passing police convoy, and people at the airport crowded around the immigration truck carrying McAfee, straining to take pictures of him with their cellphones.

Dressed in a black suit and white shirt, McAfee said: "I’m free. I’m going to America."

He suggested his weeklong detention in Guatemala for entering the country clandestinely had taken its toll on him.

"All I can tell you is I’m 10 years older, and I don’t know what I’m doing. I’m just going to Miami," he said.

McAfee was detained last week for immigration violations after he sneaked into Guatemala from Belize, where authorities sought to question him

about the murder of a neighbor. He apparently crossed at a rural, unguarded spot along the border, but a judge this week ruled his detention illegal and ordered him freed.

His 20-year-old Belizean girlfriend, Samantha Vanegas, who has accompanied him since he went on the run, was not with him on the ride to the airport, though she later showed up at the terminal. Known as "Sam," she was seen earlier Wednesday leaving the detention facility crying, after taking breakfast to McAfee.

On the blog he has been posting on for the last two weeks, McAfee wrote that "I have been forcibly separated from Sam," but claimed she would be coming to the United States later.

McAfee said Sunday that he wanted to return to the United States and "settle down to whatever normal life" he can. The 67-year-old said "I simply would like to live comfortably day by day, fish, swim, enjoy my declining years."

Police in Belize want to question McAfee in the fatal shooting of a U.S. expatriate who lived near McAfee’s home on a Belizean island in November.

The creator of the McAfee antivirus program has denied involvement in the killing. Belizean authorities have urged him to show up for questioning, but have not lodged any formal charges against him.

McAfee is an acknowledged practical joker who has dabbled in yoga, ultra-light aircraft and the production of herbal medications. He has said he feared he would be killed if he turned himself in to Belizean authorities.

Belize’s prime minister, Dean Barrow, has expressed doubts about McAfee’s mental state, saying: "I don’t want to be unkind to the gentleman, but I believe he is extremely paranoid, even bonkers."

The British-born McAfee said Sunday that returning to the United States "is my only hope now." But he later added: "I would be happy to go to England. I have dual citizenship."

He was in hiding in Belize for weeks after police pronounced him a person of interest in the killing of Gregory Viant Faull. McAfee acknowledges that his dogs were bothersome and that Faull had complained about them days before some of the dogs were poisoned, but denies killing Faull. Faull’s home was a couple of houses down from McAfee’s compound on Ambergris Caye, off Belize’s Caribbean coast.

McAfee has led an eccentric life since he sold his stake in the software company named after him in the early 1990s and moved to Belize about three years ago to lower his taxes.

He told The New York Times in 2009 that he had lost all but $4 million of his $100 million fortune in the U.S. financial crisis. However, a story on the Gizmodo website quoted him as describing that claim as "not very accurate at all."

## Pennsylvania Woman Sues Google Over Gmail Privacy, Ads

A Pennsylvania woman has accused Google Inc. of illegal wiretapping for "intercepting" emails she sent to Gmail accounts and publishing content-related ads.

Her lawsuit echoes others filed around the country by class-action lawyers who say the practice violates wiretap laws in some states. They represent email users who do not have Gmail accounts and have therefore not signed the company's acceptance terms.

"The terms are that Google can intercept your emails and use them for direct marketing purposes," said lawyer Richard M. Golomb, who has sued Google in Pennsylvania, Maryland and Florida. "They are also intercepting emails of the non-Gmail account holder, in violation of wiretap laws in some states."

In court filings in the Maryland case, Google acknowledged that it routinely scans emails for spam and computer viruses, but said that's permitted under similar federal wiretap laws.

Google argued that selling advertising based on the content of a received email is a routine business practice permitted under an exception written into the wiretap law. Google notes Yahoo and other email providers sell ads through similar methods.

"There can be little doubt that selling advertising in order to provide a free service to consumers is a 'legitimate business goal,'" Google lawyer Michael G. Rhodes and others wrote in a Nov. 9 motion to dismiss the Maryland case. "If it were not, then the entire model by which content is provided on the Internet would be illegitimate, as would the business model by which television programming has been provided for free for the last half century."

Courts reviewing email wiretap cases have repeatedly held that "parties expect and impliedly consent to having their communications intercepted and recorded whenever they use email," the Google lawyers wrote. Rhodes did not immediately return a call for comment Monday.

At least one electronic privacy expert called it "a bit of a stretch" for Google to compare a search for advertising leads to rooting out spyware.

"People think when you send a message, communications companies can filter out spam and malware, and that's correct. But filtering out spam and malware is not the same as looking at the content of the email to (find) keywords for advertising purposes," said Marc Rotenberg, executive director of the Electronic Privacy Information Center.

"(What) if you were making a call on your Verizon cellphone, and you were talking to an Italian restaurant trying to make reservations for Friday and a Verizon agent jumped on the line and said, 'Oh, how about this place?'" Rotenberg said. "You're not supposed to be listening to my communications to try to sell me stuff  even if it's a better restaurant."

The Philadelphia plaintiff, Kristen Brinkman, does not have a Gmail account and never signed the company's acceptance policy, according to her Nov. 30 lawsuit, which has been assigned to Senior U.S. District Judge Anita B. Brody.

Google wants the various legal disputes resolved in northern California, where the first such lawsuit was filed in June. The area is also home

base for Google, which is headquartered in Mountain View, Calif.

## Checking Facebook at Work Could Become Illegal

Logging into Facebook, perusing eBay and surfing to other decidedly non-work related sites may not just upset your boss; it could also be a federal offense.

That’s according to two Boston College professors who recently authored a paper on how a broad interpretation of the 1986 Computer Fraud and Abuse Act (CFAA) could criminalize the routine behavior of every employee who uses a workplace computer in their job.

As the First, Fifth, Seventh and Eleventh Circuit Courts of Appeal interpret it, a breach of a company’s computer policy for example a ban on accessing dating sites and social media for example, also constitutes a violation of the CFAA.

The law was originally written to punish and deter criminal hacking, but as technology experts point out, innovation in technology has outpaced the laws that govern it.

The CFAA, a 1986 law that predates HTTP and the Web as we know it, makes it a crime to "access a computer without authorization or exceed authorized access ... from [a] protected computer." Based on the law’s own definitions, a "protected computer" is virtually any device with a microprocessor and a network connection. Today, virtually everyone "accesses" one when they point their browser to any webpage.

Since the law allows private right of action, companies could, in theory, successfully sue their employees for any computer policy violation, even something as benign as sending your spouse an email about being late for dinner.

In their paper, published in the American Business Law Journal, Professors Stephanie Greene and Christine Neylon O’Brien also discuss United States v. Nosal, in which the former employee of an executive recruiting firm was prosecuted under the CFAA after he conspired with then-current employees to give him the company’s proprietary information with the intention of setting up a competing business.

In a break from its sister courts, the Ninth Circuit accepted a much narrower interpretation and said even though defendant David Nosal misused company resources and broke the company’s computer policy, he did not "exceed authorized access" and was not in violation of the law.

Last month, notorious troll and hacker Andrew Auernheimer was convicted under the CFAA for "stealing" email addresses and corresponding names from an AT&T database. While it did take some technical knowledge and ingenuity to access the data, Auernheimer never guessed passwords, which is a crime, nor did he write the script that made obtaining the information possible. Experts on technology, privacy and policy have decried his conviction under such a broad interpretation of the law.

"The Ninth Circuit appears to be at the forefront of a new trend that recognizes dangers in the CFAA as a catch-all statute to pursue employees for fraudulent or disloyal use of workplace computers," O’Brien and Greene

wrote.

## Microsoft Increases Production and Expands Retail Distribution for Microsoft Surface With Windows RT

DMicrosoft Corp. today announced plans to make Microsoft Surface available at additional retailers as soon as mid-December. In addition, the company announced the extension of the Microsoft holiday stores, including the transition of several of the stores into permanent Microsoft retail outlets.

The public reaction to Surface has been exciting to see. We ve increased production and are expanding the ways in which customers can interact with, experience and purchase Surface, said Panos Panay, general manager, Microsoft Surface.

As early as mid-December, consumers will be able to go to retail stores in the United States and Australia to purchase a Surface with Windows RT. Additional availability will be added in a number of countries in the coming months.

Our plan has been to expand the retail presence for Surface after the first of the year. Based on interest from retailers, we are giving them the option to carry Surface with Windows RT even earlier, said Steve Schueler, corporate vice president, Microsoft Retail Sales and Marketing.

Surface will continue to be available for purchase at all Microsoft retail stores in the United States and Canada and online in Australia, Canada, China, France, Germany, the United Kingdom and the United States. Based on the success of the Microsoft holiday stores, the company will extend all of these locations into the new year. These stores will transition into either permanent brick-and-mortar retail outlets or specialty store locations.

Microsoft stores will continue to offer best-in-class technology and a premium retail experience, allowing customers to interact with Microsoft products that impact the way people live, work and play. All Microsoft stores provide consumers with the same excellent choice, value and service in an engaging way to experience the best of Microsoft products.

Starting at US$499, Surface combines the functionality of a laptop with the portability of a tablet. From the fun and unique touch cover that provides a super-thin, spill-resistant keyboard in a variety of vibrant colors to the integrated kickstand that enables hands-free entertainment, Surface stands out while delivering value and performance like nothing else on the market. With Windows apps, SkyDrive cloud connectivity, HD video, Xbox Music, games, a full-size USB port, a microSD card slot and the productivity of Office Home & Student 2013 RT, Surface with Windows RT brings work and play together in style.

Founded in 1975, Microsoft is the worldwide leader in software, services and solutions that help people and businesses realize their full potential.

## Yes, You Can Major in Social Media Now

Hey, kids, how'd you like some Internet with that diploma? South Carolina's Newberry College has added a social media major, because of the apparent skyrocketing number of jobs in that field  a bubble that surely won't pop by the time any of said kids graduate. Students who want to learn how to do professionally what most of us do while bored at work should head to Newberry's Department of Arts and Communications for the interdisciplinary major, which combines classes from the Graphic Design, Communications, Business Administration, Psychology and Statistics departments, per this press release.

But perhaps we are being too short-sighted. The WACH FOX 57 investigation below kind of makes even one generation older seem a little 20th century, like when one of the anchors who ask, "Who would have thought, getting paid to be on the Internet?" In any case, Newberry is confident in the coursework, which begins next August. "Newberry has something that very few colleges have to offer, an exciting major that will prepare graduates to be pioneers in a cutting edge industry that will create critical thinkers and innovators," said Tania Sosiak, the founder of the new program.

## 32% of Young People Use Social Media in the Bathroom

Tweeting on the toilet? Pinning on the pot? Facebooking while... something? You're not alone. Nielsen revealed in their 2012 social media report that 32 percent of people between the ages of 18 to 24 fessed up to up to using social media in the bathroom. While we have many feelings about this including: have we done this without realizing? And, aren't the devices in danger of being dropped into the toilet? Will Oremus at Slate brings up a good point. This is another place where we can see the death of print. What shall become of Uncle John's Bathroom Reader? Only time will tell.

That said, Nielsen isn't very specific as to what using social media in the bathroom actually means. Perhaps what's reflected in the results of their survey is simply the youthful desire to Instagram selfie pictures in bathroom mirrors, and not necessarily tweet while you poop.

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